

REMARKS

Claim 17 has been amended. Claims 8 – 15 and 20 have been cancelled. A new independent claim 27 and new dependent claims 28 - 36 ultimately depending from claim 27 have been added. Claims 16 – 19 and 21 - 36 are currently pending in the present application.

In the Office Action, claims 10 and 17 are objected to. Also, in the Office Action, claim 13 is rejected under 35 U.S.C. §112, second paragraph. Moreover, in the Office Action, claims 8, 9, 11-14, and 16-21 are rejected under 35 U.S.C. §102(b) as being anticipated by Weiskittel US Patent No. 2,130,167. Also, in the Office Action, claims 8-11, 13, 16, 17, 20, and 26 are rejected under 35 U.S.C. §102(b) as being anticipated by Christian US Patent No. 1,063,183. Additionally, in the Office Action, claims 12, 18, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Christian US Patent No. 1,063,183 in view of Weiskittel US Patent No. 2,130,167. Furthermore, in the Office Action, claims 14, 15, and 20-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Christian US Patent No. 1,063,183 in view of Le et al US Patent No. 6,938,617, and supported by Dobberstein US Patent No. 6,789,861.

With respect to the objection to claims 10 and 17, it is submitted that these objections are now moot in view of the cancellation of claim 10 and the amendment of claim 17.

With respect to the rejection of claim 13 under 35 U.S.C. §112, second paragraph, it is submitted that this rejection is now moot in view of the cancellation of claim 13.

With respect to the prior art rejections of the claims, favorable reconsideration is respectfully requested in view of the amendment of claim 17, the cancellation of claims 8 – 15 and 20, and the following comments.

The present invention is directed to a holding part (12) which is horizontally guided inside a baking chamber (2) for receiving and holding a baking rack (24).

None of the cited prior art references teach or disclose the feature of the holding part (12) which is guided on a guide rail 18 in a manner such that the holding part (12) by its own structure remains vertically oriented. In other words, the holding part (12) of the present invention is self-supporting for receiving a baking rack (24). For example, Figure 3 of the present application shows a first variant of a guide of the carriage 16 on the guide rails 18 such that the holding part (12) is self-supporting and Figure 5 of the present application shows another self-supporting structure. In contrast, Weiskittel US Patent No. 2,130,167 discloses that its holding members 30 are rigidly attached to and supported by the sliding support 18, as shown in Figure 3 of Weiskittel US Patent No. 2,130,167. Thus, Weiskittel US Patent No. 2,130,167 does not teach or disclose a self supporting holding part that is configured to receive a baking rack. Likewise, Christian US Patent No. 1,063,183 only discloses a rack 4 in which the baking racks are rigidly secured to vertical portions in the four corners.

Additionally, it is submitted that new independent claim 27 patentably defines over the prior art of record. New independent claim 27 recites a shelf arrangement for a heated cavity device. The inventive shelf arrangement according to new independent claim 27 of the present application, includes a first shelf and a support section, the support section for supporting the first shelf within a heated cavity of a heated cavity device during movement of the first shelf along a displacement axis along which the first shelf is displaced at least partially out of the heated cavity or along which the first shelf is displaced into the heated cavity. As further recited in new independent claim 27 of the present application, the support section includes a left hand seating portion, a right hand seating portion, and a transport assembly. The transport assembly, as recited in new independent claim 27 of the present application, includes a) a left hand guide path, b) a right hand guide path, c) a left hand carriage portion, and d) a right hand carriage portion. The left hand and right hand guide paths are spaced from one another relative to a transverse axis that is perpendicular to the displacement axis, the transverse and displacement axes together defining a

reference plane and each of the left hand and the right hand guide paths extends along the displacement axis. As further recited in new independent claim 27 of the present application, the left hand carriage portion is connected to the left hand seating portion and the left hand carriage portion supports the left hand seating portion during a movement of the left hand seating portion along the left hand guide path. Also, the right hand carriage portion is connected to the right hand seating portion and the right hand carriage portion support the right hand seating portion during a movement of the right hand seating portion along the right hand guide path.

As additionally recited in new independent claim 27 of the present application, the support section, in an installed condition in the heated cavity of the heated cavity device, is oriented such that each wall surface of a first pair of wall surfaces of the heated cavity device that delimit the heated cavity of the heated cavity device lies on a respective side of the reference plane of the shelf arrangement and does not intersect the reference plane and each wall surface of a second pair of wall surfaces of the heated cavity device that delimit the heated cavity of the heated cavity device intersects the reference plane of the shelf arrangement and is spaced from the other wall surface of the second pair of wall surfaces as viewed along the transverse axis. Moreover, the left hand seating portion and the right hand seating portion each have a near side seating location at which the first shelf can be seated on the respective seating portion and a remote seating location at which the first shelf can be seated on the respective seating portion, the near side seating location of each respective seating portion being at a closer spacing from a given respective wall surface of the first pair of wall surfaces of the heated cavity than the spacing of the remote seating location of the respective seating portion from the same given respective wall surface of the first pair of wall surfaces of the heated cavity. The near side seating location of each respective seating portion is, according to new independent claim 27 of the present application, located on a same one respective side of the reference plane of the shelf arrangement and the remote side seating location of each

respective seating portion being located on a same opposite respective side of the reference plane of the shelf arrangement and no guide path is located on the opposite respective side of the reference plane of the shelf arrangement. The inventive shelf arrangement set forth in new independent claim 27 of the present application thus includes a transport assembly supporting the left hand and the right hand seating portions during displacement of the first shelf along the displacement axis such that the near side and remote seating locations of each of the left hand and right hand seating portions are maintained in their predetermined spaced relationship in which the near side seating location of the respective seating portion is closer to the given respective wall surface of the first pair of wall surfaces of the heated cavity than the remote seating location of the respective seating portion and each of the left hand and right hand guide paths is spaced from each wall surface of the first pair of wall surfaces of the heated cavity device that lie on respective sides of the reference plane of the shelf arrangement.

It is submitted that none of the prior art of record teaches or discloses the shelf arrangement for a heated cavity device recited in new independent claim 27 of the present application. For example, Weiskittel US Patent No. 2,130,167 does not teach or disclose a transport assembly of a shelf arrangement with a remote side seating location of each respective seating portion being located on a same opposite respective side of a reference plane of the shelf arrangement and no guide path thereof being located on the opposite respective side of the reference plane of the shelf arrangement. Instead, in the Weiskittel US Patent No. 2,130,167 arrangement, all of its notched members 23, which operate as seating locations for shelves 6, are supported on a sliding frame 18 that travels along a guide path in the form of a track member 41 on the bottom of the oven 2. All of these notched members 23 are located on one respective side of this guide path in the form of a track member 41 on the bottom of the oven 2 and there are no notched members 23 located on an opposite side of this guide path, whereupon the Weiskittel US Patent No. 2,130,167 arrangement does not teach

or disclose the feature of a remote seating location on an opposite side of a reference plane. Thus, it is submitted that new independent claim 27, and new dependent claims 28 – 36 depending ultimately therefrom, patentably define over the prior art of record.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 16 – 19 and 21 - 36 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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